



Eric Gonzalez
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[INSERT NAME]
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: KELVIN OZUNA

MOS TAX: [REDACTED]

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:

THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT. NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT:

1. THEODORE EDWARDS V. CITY OF NEW YORK, ET AL, 13-CV-4738, FILED IN THE SOUTHERN DISTRICT OF NEW YORK
2. PATRICK DANIELS V. CITY OF NEW YORK, ET AL, 14-CV-00748 FILED IN THE SOUTHERN DISTRICT OF NEW YORK
3. MARTIN MITCHELL V. CITY OF NEW YORK, ET AL, 306108/12 FILED IN BRONX COUNTY SUPREME COURT
4. MARTIN MITCHELL V. CITY OF NEW YORK, ET AL, 12-CV-306108 FILED IN BRONX COUNTY SUPREME COURT
5. JORDAN MCPHERSON V. CITY OF NEW YORK, ET AL, 304035/13, FILED IN BRONX COUNTY SUPREME COURT
6. TED MARTIZA V. CITY OF NEW YORK, ET AL, 161249/2015, FILED IN NEW YORK COUNTY SUPREME COURT

Disclosure # 2:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 08/23/2013, AGAINST MOS OZUNA: ALLEGATION(S):

1. DOMESTIC INCIDENT ASSAULT NO ORDER, [REDACTED]
CASE STATUS: CLOSED ON 01/15/2014

Disclosure # 3:

MOS OZUNA ENTERED A PLEA OF GUILTY TO THE FOLLOWING DEPARTMENTAL CHARGES ARISING FROM AN INCIDENT WHILE MOS OZUNA WAS ASSIGNED TO THE 47TH PRECINCT:

ALLEGATIONS:

1. MOS OZUNA, ON OR ABOUT AUGUST 23, 2013, WRONGFULLY ENGAGED IN CONDUCT PREJUDICIAL TO THE GOOD ORDER, EFFICIENCY OR DISCIPLINE OF THE DEPARTMENT IN THAT MOS OZUNA ENGAGED IN A PHYSICAL ALTERCATION WITH AN INDIVIDUAL KNOWN TO THE DEPARTMENT.
2. MOS OZUNA, ON OR ABOUT AUGUST 23, 2013, WRONGFULLY ENGAGED IN CONDUCT PREJUDICIAL TO THE GOOD ORDER, EFFICIENCY OR DISCIPLINE OF THE DEPARTMENT IN THAT MOS OZUNA ENGAGED IN

A PHYSICAL ALTERCATION WITH AN INDIVIDUAL KNOWN TO THE DEPARTMENT.

3. MOS OZUNA, ON OR ABOUT AUGUST 23, 2013, HAVING BEEN INVOLVED IN A PHYSICAL ALTERCATION WITH TWO INDIVIDUALS KNOWN TO THE DEPARTMENT, FAILED TO REQUEST THE RESPONSE OF A PATROL SUPERVISOR, PRECINCT OF OCCURRENCE.
4. MOS OZUNA, ON OR ABOUT AUGUST 1, 2012, AND AUGUST 31, 2012, MOS OZUNA, FAILED TO IMMEDIATELY NOTIFY HIS COMMANDING OFFICER ABOUT A CHANGE IN HIS RESIDENTIAL ADDRESS.
5. MOS OZUNA, ON OR ABOUT AND BETWEEN AUGUST 1, 2012, AND DECEMBER 19, 2013, MOS OZUNA FAILED TO NOTIFY THE NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES AND HIS AUTOMOBILE INSURANCE CARRIER, STATE FARM INSURANCE, ABOUT THE CHANGE IN HIS RESIDENTIAL ADDRESS.

CASE STATUS: CLOSED ON 05/27/2014

ACTION TAKEN: THIRTY-ONE (31) PRE-TRIAL SUSPENSION DAYS AND MOS MUST COMPLY WITH AND COMPLETE ANY AND ALL COUNSELING PROGRAMS DETERMINED BY THE DEPARTMENT.

Disclosure # 4:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 02/06/2019, AGAINST MOS OZUNA: ALLEGATION(S):

1. INVOICE DISCREPANCY - LAB - CONTROLLED SUBSTANCE
2. REPORT INCOMPLETE/INACCURATE - PROPERTY CLERK INVOICE

CASE STATUS: CLOSED ON 03/06/2019

Disclosure # 5:

MOS OZUNA PLED GUILTY TO THE FOLLOWING NYPD DEPARTMENTAL ALLEGATIONS, ARISING FROM AN INCIDENT ON OR ABOUT APRIL 10, 2019 IN NEW YORK COUNTY, WHILE MOS OZUNA WAS ASSIGNED TO THE 6TH PRECINCT AND OFF-DUTY:

ALLEGATIONS:

1. MOS OZUNA WRONGFULLY OPERATED A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF AN INTOXICANT. (BAC OF .133%).
2. MOS OZUNA WRONGFULLY OPERATED A MOTOR VEHICLE WHILE HIS ABILITY WAS IMPAIRED BY AN INTOXICANT.
3. MOS OZUNA WAS UNFIT FOR DUTY DUE TO HIS INGESTION OF AN INTOXICANT.
4. MOS OZUNA WAS UNFIT FOR DUTY WHILE ARMED.
5. MOS OZUNA FAILED TO SAFEGUARD HIS FIREARM, PLACING SAID FIREARM IN THE TRUNK OF HIS VEHICLE.
6. MOS OZUNA WRONGFULLY MADE FALSE AND MISLEADING STATEMENTS TO DEPARTMENT INVESTIGATORS REGARDING WHETHER OR NOT HE WAS ARMED.

CASE STATUS: CLOSED ON 08/03/2020

ACTION TAKEN: COMBINED PENALTY WITH DISCLOSURE # 6 BELOW. MOS OZUNA MUST COMPLY WITH AND COMPLETE ANY AND ALL COUNSELING PROGRAMS AS DETERMINED BY THE DEPARTMENT, PLACED ON DISMISSAL PROBATION FOR ONE (1) YEAR, FORFEITURE OF TIME/LEAVE BALANCES, SIXTY (60) PRE-TRIAL SUSPENSION DAYS, THIRTY (30) SUSPENSION DAYS WITHOUT PAY, AND FILE AN APPLICATION FOR A VESTED-INTEREST RETIREMENT PENSION AND AT NO TIME WITHDRAW, RESCIND, OR ALTER SAID APPLICATION ONCE FILED.

Disclosure # 6:

MOS OZUNA PLED GUILTY TO THE FOLLOWING NYPD DEPARTMENTAL ALLEGATIONS, WHILE MOS OZUNA WAS ASSIGNED TO THE 6TH PRECINCT:

ALLEGATIONS:

1. MOS OZUNA, ON OR ABOUT MAY 15, 2019, MADE MISLEADING AND INACCURATE STATEMENTS DURING AN OFFICIAL DEPARTMENT INTERVIEW WHEN QUESTIONED ABOUT THE FACTS AND CIRCUMSTANCES SURROUNDING AN INTEGRITY TEST THAT WAS CONDUCTED ON APRIL 4, 2019.
2. MOS OZUNA, ON OR ABOUT MARCH 21, 2019, MADE MULTIPLE UNAUTHORIZED COMPUTER INQUIRIES IN (A) DEPARTMENT DATABASE(S) UNRELATED TO OFFICIAL DEPARTMENT BUSINESS.
3. MOS OZUNA, ON OR ABOUT AND BETWEEN APRIL 9, 2018 AND APRIL 10, 2019, INAPPROPRIATELY ACCEPTED GOODS AND/OR SERVICES WITHOUT PAYMENT OR AT A DISCOUNT FROM EMPLOYEES

AND/OR MANAGEMENT OF A BUSINESS ESTABLISHMENT KNOWN TO THE DEPARTMENT.

4. MOS OZUNA, ON OR ABOUT APRIL 4, 2019, FAILED AN INTEGRITY TEST IN THAT MOS OZUNA FAILED TO CONDUCT AN INVESTIGATION, FAILED TO TAKE POSSESSION OF AND VOUCHER EVIDENCE, FAILED TO MAKE NECESSARY NOTIFICATIONS, AND FAILED TO PREPARE A COMPLAINT REPORT.
5. MOS OZUNA, ON OR ABOUT AND BETWEEN APRIL 9, 2018 AND APRIL 10, 2019, WHILE BOTH ON AND OFF DUTY, FAILED TO TAKE POLICE ACTION IN THAT MOS OZUNA DID NOT MAKE ANY NOTIFICATIONS TO THE DEPARTMENT, INVESTIGATE, OR TAKE ANY OFFICIAL ACTION AFTER WITNESSING OR BECOMING AWARE OF ILLEGAL CONDUCT BEING COMMITTED AT TWO MANHATTAN BUSINESS ESTABLISHMENTS.

CASE STATUS: CLOSED ON 08/03/2020

ACTION TAKEN: COMBINED PENALTY WITH DISCLOSURE # 5 ABOVE. MOS OZUNA MUST COMPLY WITH AND COMPLETE ANY AND ALL COUNSELING PROGRAMS AS DETERMINED BY THE DEPARTMENT, PLACED ON DISMISSAL PROBATION FOR ONE (1) YEAR, FORFEITURE OF TIME/LEAVE BALANCES, SIXTY (60) PRE-TRIAL SUSPENSION DAYS, THIRTY (30) SUSPENSION DAYS WITHOUT PAY, AND FILE AN APPLICATION FOR A VESTED-INTEREST RETIREMENT PENSION AND AT NO TIME WITHDRAW, RESCIND, OR ALTER SAID APPLICATION ONCE FILED.

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH MARCH 3RD, 2020, THE PEOPLE ARE UNAWARE OF ANY PENDING AND OR SUBSTANTIATED CCRB ALLEGATIONS AGAINST THIS OFFICER.

Eric Gonzalez
District Attorney
Kings County